

ATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action,

File No.: 04 CV 4548

VIRGINIA LOMNICKI, and EUGENE LOMNICKI,
ROBERT LOMNICKI and JOSEPH LOMNICKI, by their
mother VIRGINIA LOMNICKI,

V.

CARDINAL MCCLOSKEY SERVICES and ADMINISTRATION
FOR CHILDREN'S SERVICES,

-----X

AS AND FOR A FIRST CAUSE OF ACTION

1. The action arises under the 14th Amendment to the Constitution of the United States and 42 USCA §1983, as more fully set forth herein.

2. That Virginia Lomnicki is the mother of Eugene Lomnicki, Robert Lomnicki and Joseph Lomnicki.

3. That said children were adjudicated to be neglected children and were placed in the custody of the defendants.

4. That said custody has continued to present and defendants are proceeding to the adoption of said children.

5. That said determination was made despite the fact that plaintiff Virginia Lomnicki had evidence and proof of her innocence to allegations of abuse and neglect.

6. That defendants negligently investigated said initial allegations.

7. That said thereupon, plaintiff complied with all of defendants' requests, including counseling, individual and family therapies and parenting courses.

8. That said plaintiff has no history of drug or alcohol abuse.

9. That plaintiff has a detailed considered plan to provide for and care for her children.

10. That plaintiff does not have a criminal record.

11. That plaintiff is gainfully employed and maintains an appropriate residence.

12. That plaintiff has a sense of responsibility, interest, and affection for her children.

13. That said custody has continued despite defendants' knowledge that said original determination was made upon erroneous grounds.

14. That by reason of the aforesaid, plaintiff seeks pecuniary and punitive damages, the staying of all adoption proceedings in the Courts of New York, and the immediate return of her children.

AS AND FOR A SECOND CAUSE OF ACTION

15. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint numbered 1 through 14 as if more fully set forth at length herein.

16. That to date, defendants, their agents, servants and/or employees have used and continued to use deceit, lies, perjury and fraud to keep the plaintiff's children in their custody and to plan for their adoption.

17. That to date, defendants, their agents, servants and/or employees have and have continued to threaten and harass the plaintiff.

18. That defendants have applied standards to plaintiff that are unfair, unjust and illegal.

19. That by reason of the aforesaid, defendants have violated the civil rights of the plaintiff, for which she seeks pecuniary and punitive damages and an order returning her children to her custody.

AS AND FOR A THIRD CAUSE OF ACTION

20. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint numbered 1 through 19 as if more fully set forth at length herein.

21. That by reason of the aforesaid tortious conduct and tortious interference in the mother – child relationship, plaintiff seeks pecuniary and punitive damages.

AS AND FOR A FOURTH CAUSE OF ACTION

22. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint numbered 1 through 21 as if more fully set forth at length herein.

23. That by reason of the aforesaid, plaintiff seeks an order clearing her name of all abuse and wrongdoing.

AS AND FOR A FIFTH CAUSE OF ACTION

24. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint numbered 1 through 23 as if more fully set forth at length herein.

25. That the Family Court of the City of New York has ordered that plaintiff's parental rights be terminated and that the children be adopted.

26. That plaintiff has no other remedy to prevent said unconscionable miscarriage of justice.

27. That by reason of the aforesaid, plaintiff seeks an order staying all state court proceedings and returning the children to her care and custody.

AS AND FOR A SIXTH CAUSE OF ACTION

28. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint numbered 1 through 27 as if more fully set forth herein.

29. Upon information and belief, the infant plaintiffs Eugene Lomnicki, Robert Lomnicki and Joseph Lomnicki have been abused by their step-families.

30. That the defendants have not provided proper foster care to said infants.

31. That the defendants have not worked for the reuniting of the plaintiff childrens with their mother, and in fact, have done all they could do to prevent it.

32. That defendants have improperly provided medications and vaccinations against their will and without proper parental consent.

33. That the aforesaid occurred solely due to the negligent of defendants, their agents, servants and/or employees, and/or by their intentional malicious tortious acts.

34. That by reason of the aforesaid, infant plaintiffs Eugene Lomnicki, Robert Lomnicki and Joseph Lomnicki seek pecuniary and punitive damages.

WHEREFORE, plaintiff seeks judgment against defendants on the First Cause of Action in the sum of TWENTY MILLION (\$20,000,000.00) DOLLARS, the staying of all adoption proceedings in the Courts of New York and the immediate return of her children; plaintiff seeks judgment against defendants on the Second Cause of Action in the sum of TWENTY MILLION (\$20,000,000.00) DOLLARS and for an order returning her children to her custody; plaintiff seeks judgment against defendants on the Third Cause of Action in the sum of TWENTY MILLION (\$20,000,000.00) DOLLARS; plaintiff seeks judgment against defendants on the Fourth Cause of Action for an order clearing her name of all abuse and wrongdoing; plaintiff seeks judgment against defendants on the Fifth Cause of Action for an order staying all state court proceeding and returning the children and to her care and

custody; infant plaintiffs seeks judgment against defendants on the Sixth Cause of Action in the sum of THIRTY MILLION (\$30,000,000.00) DOLLARS; together with the costs and disbursements hereof. Plaintiff demands a trial by jury of any issue triable of right by a jury.

Dated: Bronx, New York
June 17, 2004

Yours, etc.

By: Neil R. Kafko, Esq.
KAFKO, SCHNITZER & SHEEGER
Attorney for Plaintiff
7 Hugh J. Grant Circle
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VERIFICATION

I am the plaintiff in the above entitled action and have read the complaint. The allegations contained therein are true according to the best of my knowledge information and belief. I declare under the penalty of perjury that the foregoing is true and correct. Executed at New York, New York on June 17, 2004.

Plaintiff